

**JUNE 21, 1979**

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Prior to calling the meeting to order, the Mayor acknowledged a group of Summer students from an Idaho Falls Skyline Government Class as being present in the Council Chamber, thanking them for their presence and their interest in local government. The Mayor then called upon one of these students, Caron Fullmer, to come forward and lead all of those present in the pledging of allegiance to the flag, after which he asked for a moment of silence for purposes of meditation. The Mayor then called the meeting to order and, upon roll call, the following were found to be present: Mayor Tom Campbell; Councilmen Jim Freeman, Paul Hovey, Sam Sakaguchi, Ralph Wood, Charles Clark and Mel Erickson. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney and all other available Division Directors.

Minutes of the last regular meeting, held June 7<sup>th</sup>, 1979, were read and approved.

The Mayor announced that this was the time and the place, as advertised, to conduct a public hearing on a rezoning petition for Blocks 8 and 9, Highland Park Addition. Being aware that the petitioner had requested that this hearing be recessed, Councilman Freeman asked that this explanatory memo be read aloud:

City of Idaho Falls  
June 21, 1979

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: REZONING-HIGHLAND PARK ADDITION, BLOCK 8 & 9

A public hearing has been scheduled for this date to consider rezoning of the above described property. We have received written request from the petitioners requesting that this matter be recessed to the next regular meeting of the City Council (July 12<sup>th</sup>), inasmuch as the property owners and their agents are unable to be in attendance this evening.

This request is being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

It was moved by Councilman Freeman, seconded by Erickson, that this request be honored and this hearing be recessed until the next regular Council meeting on July 12<sup>th</sup>, 1979. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor announced that this was the time and the place, as advertised, for a public hearing to consider a re-zoning petition for certain lands located at 896 First Street within the Maplewood Addition, as more fully explained by this introductory memo from Building Administrator Gilchrist:

City of Idaho Falls  
June 21, 1979

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist

SUBJECT: REZONING REQUEST - 896 FIRST STREET (MAPLEWOOD  
ADDITION)

**JUNE 21, 1979**

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Attached is a copy of a petition to rezone property located at the above address. This request was submitted by Coben, Inc. and is proposing to change the zone from R-1 to P-B for the purpose of remodeling the existing residence into an architectural studio.

This matter has been the subject of two public hearings held by the Planning Commission. The first hearing was held on September 12<sup>th</sup>, 1978 and at that time the Planning commission recommended denial of the request by a vote of 4 to 1 with one abstention. It was brought back to the Commission on May 22<sup>nd</sup>, 1979 and at that time the Commission, by a vote of 4 to 3 with 2 abstentions, recommended denial of the request. At both hearings several adjacent property owners appeared to voice their objections to the proposal. A petition objecting to this proposal has been submitted to this office in opposition.

This matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

Gilchrist was asked to come forward and pinpoint this affected location on a map. In answer to a question by Councilman Clark, Gilchrist pointed out the existing zoning for the entire area revealing quite a mixture, including R-1.

Mr. Gregory Mecham, appeared before the Council. Mecham first referred to certain wording in the comprehensive plan which said, in effect, that the existing plan as it pertained to zoning throughout the City might be subject to revision from time to time. Mecham noted that most zoning in the immediate area permitted multiple housing and the zoning requested for 896 First Street was a higher zone. He said the P-B zone had not been created when the comprehensive plan was adopted but, had it been ,it is conceivable and perhaps even likely that the plan would have favored a P-B rather than a R-1 zone. Mecham said that, in his opinion, a P-B zone would serve as a buffer between First Street and the residential area to the south. He noted that west of 896 First Street there is a home occupation operation known as Jim's Trophy Room, a vacant lot to the east and R-3 zoning across the street, and that if this property were rezoned P-B it could even up-grade the area. He said there is, even now, ample landscaping which would be properly maintained by his client. Continuing, Mecham said he was aware that one of the reasons this rezoning petition was being protested was on the theory that this location, if rezoned, and converted into an architectural office, would invite the rowdy element for which first Street is noted. He said he could see little justification for this argument but that, if it did become a problem, the owners were prepared to surround the property with a chain, a fence with a gate or whatever was needed to combat the problem. Another basis for protest, according to Mecham, was that it would result in spot zoning. Mecham outlined the surrounding area which, other than R-1 included R-3A and RSC which would suggest that there is now clear trend. Finally, Mecham said there had been protest based on increased traffic. He said this factor could be discounted as a P-B zone and an architectural office would not add substantially to traffic which is already heavy on First Street. Mecham concluded his statements by saying that if this location is not rezoned it would probably remain vacated as the location is not conducive to residential living. He said this zoning change would guarantee its use for the foreseeable future and it would protect the value of near by residences. These letters from the proponents of this rezoning petition were then presented:

**JUNE 21, 1979**

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Benton Engineering  
Idaho Falls, Idaho  
June 21, 1979

The Honorable Mayor and City Council  
Idaho Falls, Idaho

Re: Rezoning of property at 896 First St. – R-1 TO PB zone

Gentlemen:

As a professional Engineer and Planner I would like to express my views concerning the above zone request.

The City has recently created the PB zone to take away some of the objections of the R-3A zone.

First Street in this area is definitely not suitable for R-1 developments.

A PB zone will be better for the adjacent owners as testified by Grant Tate (who lives across from and faces the subject property). James M. Brady who also lives across the street adjacent to Grant Tate has not objected.

If left as a R-1 zone I don't know how the Planning Commission could deny a PUD on this and other nearby vacant property. A PUD is allowed in an R-1 zone. An R-1 zone which is not as desirable in my opinion as would be the proposed PB zone.

I could make a lengthy dissertation on this zoning request but in lieu of this I would ask that you look at the PB type of development that Max L. Call and Benton Engineering have on the southwest corner of John Adams Parkway and Linden Drive.

Sincerely yours,  
s/ David E. Benton

Charles E. Rigby  
June 21, 1979

TO WHOM IT MAY CONCERN:

I own property close to the property at 896 First Street – who are requesting a zone change from R-1 to P-B.

I approve this change and feel this is a reasonable request.

Sincerely yours,  
s/ Charles E. Rigby

JUNE 21, 1979

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Tate's Barber Supply  
June 21, 1979

To the City Council

Grant M. Tate is my name. I live at 905 First Street directly across the street from Harold Collard's property. I favor the zoning change. It is a lot better than some of the things we have had there already. Someone had a motorcycle repair.

s/ Grant M. Tate

At the invitation of Councilman Freeman, these letters of protest were then presented:

June 18, 1979

Dear Mayor Campbell,

As property owners in the Maplewood Addition, we are opposed to the request for a rezoning of Lot 31, known as 896 First Street, and desire that it retain the present R-1 zone classification.

The proposition is scheduled for Council consideration on June 21<sup>st</sup>, at which time we will present petitions.

We would appreciate your support in behalf of the Maplewood residents.

Sincerely,  
s/ Frank and Joan Bithell

June 18, 1979

Mayor Tom Campbell

Dear Sir:

We are definitely against the rezoning of the 800 block on First Street to PB. for the many reasons we as a group from the Maplewood Division have presented before the Planning & Zoning Division.

Sincerely,  
s/ Mr. and Mrs. Richard  
C. Deus

June 18, 1979

Mayor Tom V. Campbell  
308 C. Street  
Idaho Falls, Idaho

Dear Sir:

**JUNE 21, 1979**

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As residents of the Maplewood Addition, we wish to express our opposition to the proposed rezoning of the property at 896 First Street from R-1 to PB. It is our strong feeling that this property is still a prime residential value and should remain so.

Very truly yours,  
s/ Gerald A. & Norma Dineen

June 18, 1979

Mayor Tom Campbell

Subject: Rezoning of property at 896 1<sup>st</sup> Street from R-1 to PB

As I live at 861 Maplewood I am against this change because of the added traffic, creating a new parking area for the crowd that hangs out of First Street. We have a nice residential area and I feel a PB zone would detract and lower the values of our homes. This has been denied twice by the Planning Commission.

s/ Jim Henrie  
861 Maplewood Dr.

955 Syringa Drive  
June 18, 1979

Mayor Tom V. Campbell  
308 C. Street  
Idaho Falls, Idaho

Dear Mayor Campbell:

We received a letter in regard to the petition for rezoning of property at 896 First Street, in the Maplewood Addition and would like you to know that we are very much against any change from R-1.

Sincerely yours,  
s/ Mr. & Mrs. Ferrol B. Simpson

The City Clerk then presented a petition of protest, with 172 signers, as follows:

The undersigned petitioners, being property owners within 300 feet of the real property herein described, do hereby state their opposition to the request for rezoning of the herein described property and thereby petition the City of Idaho Falls, a municipal corporation, to deny the request for a zoning change and thereby retain the present R-1 zone classification.

The City Clerk also reported that the following citizens, unable to be in attendance this night, had phoned in their protests; Raymond Roush, 849 Maplewood; Orville Simpson, 965 Syringa.

Mr. Ferrol Simpson, 955 Syringa Drive, appeared before the Council representing himself and, also, a large gathering that were present in the Council Chamber. Mr. Simpson first presented and read aloud this prepared statement:

**JUNE 21, 1979**

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June 18, 1979

Honorable Tom V. Campbell  
Mayor of Idaho Falls

We the residents of the Maplewood Addition and adjacent homeowners oppose the proposed motion to change the zoning of the property known as 896 First Street from R-1 to PB. The following are some of the major concerns which justifies this position.

- (1) The area is located within a region of prime residential value. "Spot Zoning" in this region, at this time would do nothing but deteriorate the quality of the surrounding neighborhood and depreciate value of surrounding residences.
- (2) The salability of properties as residences in the near vicinity of this area has been demonstrated by the sale of 4 homes within the last year. This had been in a period of "tight money" when the sale of property in Idaho Falls has been very slow. Thus, the inability to sell property in this area for residential uses is not a problem. A potential buyer expressed his desire to purchase the said property as a residential place at the May 22, 1979, City Planning Commission meeting. However, he stated that his previous offers would not be taken because the home had been taken off the market. Thus this provided further evidence that this particular property is sought after for its residential value.
- (3) The type of businesses permitted by the proposed zoning change does not deter but would encourage the rowdy element of society (now available on western parts of First Street) to congregate in this area after business hours. This would be accompanied by added noise and a potential increase in misconduct during the periods of time when most nearby residents would be trying to sleep.
- (4) The proposed rezoning would adversely change the traffic patterns during times coinciding with the children using the school crosswalk, which is right in front of this property. This would create an added risk to the young children attending Dora Erickson and Clair E. Gale schools who use the First Street sidewalks and the only marked crosswalk in the neighborhood.
- (5) A poll of the neighborhood residents was taken in the form of a petition against the proposed rezoning. The results showed that the vast majority are opposed to the proposed rezoning as summarized below.

It is our understanding that 36 property owners within 300 feet of 896 First Street have been notified of the proposed rezoning, of these property owners 28 opposed the rezoning, however 2 did not sign a petition. Three of the remaining 8 do not reside in the area.

In addition, we have canvassed the property adjacent to the 300 feet zone which includes the following areas; Pine Acres, Syringa, Marjacq, Fanning, Barlow, Winona, Chatham.

**JUNE 21, 1979**

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This resulted in 128 signatures on petitions opposing the proposed rezoning of 896 First Street.

Combining the total signatures from both the above areas, resulted in a total of 175 signatures opposed.

Respectfully yours,  
s/ F. B. Simpson

Simpson reminded the Council that a prime residential area surrounds the lands that are this night being considered for rezoning. He drew attention to a nearby vacant lot that had been recently purchased for construction of a single family dwelling and, also, several lots that had recently been sold and re-purchased by those desiring to live in the area. Referring to earlier dialogue pertaining to the rowdiness on First Street and also, the existing shrubs at 896 First Street, Simpson said this added to residents' concern, inasmuch as the shrubs would provide seclusion for the first street crowd to carry out their nefarious activities. Simpson said the petition submitted this night spoke for itself as far as residents living within 300 feet was concerned but that there were easily that many more living slightly beyond the 300 foot distance who are just concerned. Freeman said that this was a difficult decision for him, as chairman of the Building & Zoning Committee, but that he was particularly impressed by the Planning Commission decision at both hearings, plus the large protesting crowd in attendance this night. Also, continued Freeman, even though a P-B zone at this location has some merit, it would appear inconsistent to rezone in an area that is predominantly R-1. Therefore, it was moved by Councilman Freeman, seconded by Clark that this rezoning petition be respectfully denied. Roll call as follows: Ayes, 6; No, none; carried.

Noting that reference had been made to the comprehensive plan, adopted in 1967, Freeman drew attention to the fact that the area in question was developed prior to that date. Also, in deference to the petitioners, Freeman said he was satisfied that, had this area been rezoned this night, they would have reconstructed the residence into an architects office that would have been a credit to the area and would have been good neighbors, as the owners of Cohen, Inc. were well thought of as fine citizens.

The Mayor announced that this was the time and the place, as advertised, to conduct a public hearing to consider a rezoning petition as more fully explained by this memo from Building Administrator Gilchrist:

City of Idaho Falls  
June 21, 1979

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: REZONING – CAMBRIDGE TERRACE PARK ADDITION

Attached is a copy of rezoning petition requesting that lots 16 through 20, Block 7 of the seconded amended plat of Cambridge Terrace Park Addition, Division No. 1 be rezoned from R-2A to RMH (mobile homes).

**JUNE 21, 1979**

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The Planning Commission recently considered this matter at a public hearing, and at that time no protests were heard from adjacent property owners. The Commission recommended approval and this department concurs with their recommendation.

This matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

Asked for comment, Gilchrist noted that this area had been zoned RMH at one time and rezoned R-2A because the owner had a prospective buyer who would have developed as multiple housing. This prospective development failed to materialize and, meanwhile, the area is being developed for mobile homes. There were none who appeared to protest or otherwise comment on this rezoning request. It was moved by Councilman Freeman, seconded by Clark, that this area be rezoned from R-2A to RMH and the Building Official be directed to reflect said change of zone on the official zoning map located in his office. Roll call as follows: Ayes, 6; No, none; carried.

Noting from the agenda that an area to be known as the Alice Dickson Estates, First Amended Plat, was to be considered for annexation, this introductory memo was read aloud:

City of Idaho Falls  
June 21, 1979

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: FINAL PLAT – ANNEXATION & INITIAL ZONING – ALICE DICKSON ESTATES (AMENDED PLAT)

Attached is a copy of the final plat, annexation agreement and annexation ordinance for the Alice Dickson Estates Addition, First Amended Plat. This plat is a two-lot subdivision and is made necessary inasmuch as 20 additional feet are being added to each original lot. The property being added was not contained in the original plats, and is not within the City Limits.

The Planning Commission recently considered this plat and at that time recommended approval of the amended plat, annexation to the City and initial zoning of RP-A. This department concurs with the recommendation of the Commission and it is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

First to be reviewed was an amended final plat of said area. It was moved by Councilman Freeman, seconded by Clark, that this amended plat be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

**JUNE 21, 1979**

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The annexation agreement between the City and the Alice Dickson Estates Developer was then presented. It was moved by Councilman Freeman, seconded by Clark, that this agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

**ORDINANCE NO. 1588**

AN ORDINANCE ANNEXING CERTAIN LANDS TO  
THE CITY OF IDAHO FALLS: DESCRIBING SAID  
LANDS AND DECLARING SAME A PART OF THE  
CITY OF IDAHO FALLS, IDAHO.

The foregoing ordinance was presented in title. It was moved by Councilman Freeman, seconded by Clark, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 6; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 6; No, none; carried.

The foregoing area having been properly annexed, the Mayor announced that this was the time and the place, as advertised, to conduct a public hearing to consider its initial zoning. There were some who appeared to protest its initial zoning as recommended by the Planning Commission. It was moved by Councilman Freeman, seconded by Clark, that this area be zoned R-PA and the Building Official be directed to reflect said zoning on the official zoning map located in his office. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor announced that this was the time and the place, as advertised, to conduct a public hearing to consider an extension to a variance as more fully explained by this memo from the Building Administrator:

City of Idaho Falls  
June 21, 1979

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: REQUEST FOR VARIANCE - IDAHO FALLS CONSOLIDATED  
HOSPITALS (RIVERVIEW)

Attached is a copy of an application for a variance requesting a one-year extension on a variance previously granted in May of 1978. This is to provide for the use of a mobile home for lab space.

This request is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

**JUNE 21, 1979**

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Councilman Freeman noted that there are a total of three mobile homes which have been allowed on these premises by variance and the Council has a responsibility to determine how much longer this may be permitted.

Mr. Dale Symes, Assistant Administrator for the Riverview Hospital, appeared before the Council to express regrets that this poses a problem. By way of explanation, Mr. Symes explained that the consolidation of the hospitals subsequently slowed up the building plans but, now that said consolidation is completed, an architectural study is making progress and construction should be self evident in six months. Councilman Erickson suggested that the Mayor forward a letter to the hospital explaining the City's position if for no other reason that to alert new hospital personnel of their obligation to see that the mobile homes cannot be relied upon as a permanent facility. This met with general Council concurrence. There were none who appeared to protest or otherwise comment on this request for a variance extension. It was moved by Councilman Freeman, seconded by Clark, that permission be granted for placement of these three mobile homes for an additional period of one year with the understanding that, within that interim period, there be some concrete evidence that the construction program is initiated. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Director of Aviation was presented:

City of Idaho Falls  
June 21, 1979

MEMORANDUM

TO: Mayor and City Council  
FROM: Aviation Committee  
SUBJECT: REQUEST FROM ARCHITECTS FOR ADDITIONAL FEES  
REGARDING AIRPORT EXPANSION PROJECT

Lawrence E. Matson, Architect for the Airport Terminal Expansion Project, has appeared before the Aviation Committee to request additional architectural fees in the amount of \$40,408.

After discussing the matter with Mr. Matson, the Aviation Committee recommended the additional fees be paid. However, for the benefit of the full Council, we have requested that Mr. Matson be available at this meeting to answer any additional questions.

s/ Robert Miller

Mr. Larry Matson, architect for the Airport Terminal Expansion, appeared before the Council to answer any questions which might arise. In answer to a question by Councilman Hovey, Matson explained that the primary justification for this increase was occasioned by virtue of the fact that the gross square footage of the terminal building had been increased by 19% which, in turn, was caused by the carrier's insistence that the City resort to a carousel for the handling of baggage, rather than a linear baggage conveyer. In answer to another question by Hovey, Matson pointed out that carriers are traditionally slow to respond to requests for design decisions. In deference to the carriers, he noted that their limited property personnel are usually preoccupied by the demands of many airports at any given time which makes it difficult to receive priority attention. It was moved by Councilman

Clark, seconded by Wood, that this request for additional architects fees be approved as recommended. Roll call as follows: Ayes, 6; No, none; carried.

**JUNE 21, 1979**

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This memo from the Electrical Engineer was reviewed:

City of Idaho Falls  
June 21, 1979

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: G. Steve Harrison, Manager  
SUBJECT: CONSENT & ASSIGNMENT RATIFICATION

The name of the gate suppliers for the bulb turbine contract has been changed from Neyrip, S.A. to Neyrpic, Inc.

The Mayor has signed the attached Consent and Assignment Document and the Electric Division requests ratification of that action.

s/ G. Steve Harrison

It was moved by Councilman Wood, seconded by Hovey, that this action on the part of the Mayor be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Another matter requiring ratification, according to the City Clerk was the issuance of an auctioneer's license in favor of Ronnie Scharvin Auction Company on June 18<sup>th</sup>, in the interests of time, with the approval of the Police Chief but without the approval of the Council. It was moved by Councilman Hovey, seconded by Erickson, that this action be ratified. Roll call as follows: Ayes, 6; No, none; carried.

These damage claims were presented:

To Whom It May Concern:

On Friday the 15<sup>th</sup>, one of your garbage trucks threw a rock in our window breaking it. The driver is Tom Williams. We reported it and no action, so far. We reported it to the Sanitation Department and they referred us to Emmett Gallup and then to John Evans.

Dusty's  
195 S. Eastern Avenue  
H. W. Reeve

Pocatello Claims Office  
Pocatello, Idaho

City of Idaho Falls  
308 C. Street  
Idaho Falls, Idaho

Your Driver: Morice E. Chambers  
Our insured: Richard Lancaster  
Location: Stardust Parking Lot  
Amount of Claim: \$623.29



**JUNE 21, 1979**

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A review of the facts of the loss indicates that our insured is entitled to recover damages from you. Therefore, we have the right to make claim for these damages in our insured's behalf. This letter is to notify you of our subrogation rights and to advise you that no one has authority to give you a release for our interest except a representative of this Company.

If you carried liability insurance to protect you for such losses, we shall present our claim to your company. Please complete the following information and return to us.

s/ Sherry Stanislawski

It was noted that these had been forwarded to the City's Liability carrier on June 18<sup>th</sup> and June 20<sup>th</sup>, respectively, in the interest of time without formal approval. It was moved by Councilman Hovey, seconded by Erickson, that these actions also be ratified. Roll call as follows: Ayes, 6; No, none; carried.

License applications for SAFE & SANE FIREWORKS, Idaho Falls Tigerettes, Hamilton Drug, Fay's Foodliner, Speedy Mart, John White, Bowlero, King's, John B. Reeder, Janice Miller, Raymond L. Best, Katz Pharmacy, Maverick Country Store, Retail Variety Store; RESTAURANT, Mary L. Russell for Families, Husky Hut; JOURNEYMAN PLUMBER, Marrien E. Hill, Michael D. Albright; CLASS C JOURNEYMAN, GAS FITTING, WARM AIR, Grant Wilcox, Kay Warren; JOURNEYMAN ELECTRICIAN, Warren Mikkola, William E. Clapp, Jr., Leo Collier, Harry M. Brunson; APPRENTICE ELECTRICIAN, Robert Brunson, Randy Inskeep, Ed Stanford, Lester Rockwell, Ed Bott, Dennis Donley, Dick Anthony, Ken Stamm, Thomas L. Nash, Philip Secrist, Dale Garner, Randy Miller, all with Northwest Electric, Lynn Coleman with Curtis Electric; CONTRACTORS, Asphalt Maintenance, Kamachi Const. Co., Inc., Ormond Const. Co., Tap Construction Co., Inc., Ovard & Collins Const. Co., Inc., O & F Const. Co., H-K Contractors, Inc., Bateman-Hall, Inc.; PRIVATE PATROLMAN, Elmer Scott Harmon; BEER (CANNED AND BOTTLED NOT TO BE CONSUMED ON THE PREMISES), Jean Waters for KWIK Service; TAXI CAB OPERATOR; Melvin E. Sornberger; BARTENDER, Sheri Lynn Holmes, Beth Hines, Judy Moore Wilson, Steve A. Bruyere, Kathy Peterson, Randy Stewart, Sharron Frazier, T.L. Wallender, Paula Cherry, Lynn Mitchell, Carolyn Hanson, Tammy Waters, Michele A. Krauss, Kirk Sawyer, Karen Denise Austin, were presented.

It was moved by Councilman Clark, seconded by Freeman, that these licenses be granted, subject to the approval of the appropriate Division Director or his authorized representative, where required. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented several legal notices, as follows: Notice of Public Hearing on July 12<sup>th</sup> to consider the granting of a variance in favor of O. E. Bell Jr. High to permit the use of mobile homes; Notice of Public Hearing on July 12<sup>th</sup> to consider the granting of a variance in favor of School District No. 91 to permit the use of a mobile home at their warehouse; Notice of Public Hearing on July 12<sup>th</sup> to consider initial zoning of six proposed annexations. It was moved by Councilman Hovey, seconded by Erickson, that authorization be granted to publish said legal notices, as required by law. Roll call as follows: Ayes, 6; No, none; carried.

From the City Controller came this memo:

**JUNE 21, 1979**

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City of Idaho Falls  
June 21, 1979

MEMORANDUM

TO: Mayor Thomas Campbell and City Council  
FROM: John D. Evans, Controller  
SUBJECT: 1978-1979 FISCAL BUDGET AMENDMENT

Requesting that the City Clerk be authorized to advertise for a Public Hearing covering an amendment of the Budget for the fiscal period 1978-1979 following approval by H.U.D. of the 1979 Grant Application which increase the Community Development Fund by \$220,000.00.

Purposed expenditures for the \$220,000.00 are as follows:

N. Crows Addition – Streets	\$102,000.
Senior Citizens Center	54,000.
Bel-Aire Subdivision Park	10,000.
Local Option	20,600.
Administration	<u>33,000.</u>
	\$220,000.

s/ John Evans

It was moved by Councilman Hovey, seconded by Erickson, that a public hearing be scheduled for July 12<sup>th</sup>, 1979 for consideration of an amended budget for the fiscal period 1978-1979 for the reason as stated and the City Clerk be authorized to publish legal notice calling for said hearing as required by law. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Electrical Engineer was submitted:

City of Idaho Falls  
June 21, 1979

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: G. Steve Harrison, Manager  
SUBJECT: UTAH POWER AND LIGHT COMPANY CUSTOMER EXCHANGE

The Bonneville County Fair Board has requested City Electric Service for house, stables and caretaker's house located immediately south of Tautphaus Park.

They are in the City limits and Utah Power and Light Company has agreed to their release.

Total cost of the City for accounts is \$904.59.

Council consideration of this transfer is requested.

s/ G. Steve Harrison

**JUNE 21, 1979**

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It was noted that the two affected customers were Bob Moedl and the Bonneville County Fair Board. It was moved by Councilman Wood, seconded by Hovey, that these Utah Power and Light Electric customer exchange be approved as recommended. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the Electrical Engineer was reviewed, to-wit:

City of Idaho Falls  
June 21, 1979

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: G. Steve Harrison, Manager  
SUBJECT: CHANGE ORDER NO. 1 - SPILL WAY GATES

Neyrpic has proposed and IECO has agreed that stainless steel cladding of gate surfaces that contract the neoprene water seals would reduce future maintenance and prolong the life of the seals.

The extra cost of the stainless clad steel on all gates associated with the turbine project is firm and amounts to \$47,000.

Approval of this change order will increase the contract price from \$993,282 to \$1,040,282. The Mayor needs authorization to sign.

Council consideration of this change order is requested.

s/ Steve Harrison

It was moved by Councilman Wood, seconded by Hovey, that this change order on the Neyrpic contract be accepted and the Mayor be authorized to sign the City's approval. Roll call as follows: Ayes, 6; No, none; carried.

From the Director of Aviation came this memo:

City of Idaho Falls  
June 21, 1979

MEMORANDUM

TO: Mayor and City Council  
FROM: Aviation Committee  
SUBJECT: APPROVE SELECTION OF A QUALITY CONTROL TESTING FIRM

Construction of the airport facilities requires the specialized testing of materials such as concrete and steel.

To accomplish this task, the Aviation Committee recommends that Northern Testing Laboratories, Pocatello, Idaho, be appointed.

For budgetary purposes, we propose a limit of \$20,000 be made available from the Airport Construction Fund to be used during the first 9 months of construction or until December 31, 1979.

s/ Robert Miller

**JUNE 21, 1979**

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Councilman Clark explained that this testing firm is highly qualified and, in fact, the only firm of this kind within a two state radius. It was moved by Councilman Clark, seconded by Wood, that Northern Testing Laboratories be retained for the project as outlined with the limitations as indicated. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the Director of Aviation was presented, as follows:

City of Idaho Falls  
June 21, 1979

MEMORANDUM

TO: Mayor and City Council  
FROM: Aviation Committee  
SUBJECT: CHANGE ORDER NO. 1 – AIRPORT PUBLIC PARKING LOT

Airport Parking Company of America (APCOA), the operator of the Airport Public Parking Lot, has requested the City to install the necessary revenue control equipment, (gate arms, ticket spitters, cash registers and detector loops) within the current expansion project.

The cost of installation for this equipment, as quoted by the contractor, will be approximately \$22,000.

The equipment to be purchased and delivered by APCOA at a value of \$23,000, will become City Airport property upon installation.

To facilitate the amortization of the change order expense, APCOA has agreed to raise the minimum annual guarantee from \$7,000 to \$25,000 per year or a percentage rental, whichever is greater, computed for each year of the lease term of 10 years.

Based upon the percentage rental, the City would receive:

- a) 30% of the gross annual receipts in excess of \$30,000 but not in excess of \$50,000 per annum, plus
- b) 40% of the gross annual receipts in excess of \$50,000, but not in excess of \$70,000 per annum, plus
- c) 60% of the gross annual receipts in excess of \$70,000 per annum.

The Aviation Committee has reviewed the matter and recommends that Change Order No. 1 be approved.

s/ Robert Miller

It was moved by Councilman Clark, seconded by Wood, that this change order for certain equipment as described to be acquired by APCOA and installed by the contractor be approved and the Mayor be authorized to sign the City's approval. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the General Services Director was presented:

**JUNE 21, 1979**

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City of Idaho Falls  
June 20, 1979

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger  
SUBJECT: BID #IF-79-19, RESPIRATORY AIR SYSTEM

It is the recommendation of the Fire and General Services Division that the City Council accept the low qualified bid of American Bristol, Inc. to furnish a Respiratory Air System with trade and installed in the amount of \$11,218.00.

s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Sakaguchi, that the low qualified bid of American Bristol, Inc. be accepted for a respiratory air system for the Fire Department in the amount as indicated. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the General Services Director was considered, to-wit:

City of Idaho Falls  
June 20, 1979

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger  
SUBJECT: BID #IF-79-19, SELF-CONTAINED BREATHING APPARTUS

It is the recommendation of the Fire and General Services Division that the City Council accept the low qualified bid of L.N. Curtis Company to furnish a self-contained Breathing Apparatus with trade in the amount of \$13,222.00.

Thank you,  
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Sakaguchi, that the low qualified bid of L.N. Curtis Company for a self-contained breathing apparatus for the Fire Department be accepted in the amount as indicated. Roll call as follows: Ayes, 6; No, none; carried.

Still another memo from the General Services Director was presented, as follows:

City of Idaho Falls  
June 20, 1979

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger  
SUBJECT: SENIOR CITIZEN CENTER



**JUNE 21, 1979**

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Attached are signed copies of change orders to the construction contract with New Concept Realty for the Senior Citizen's Center. The changes reflect an extension of twenty-eight (28) calendar days to the date of completion, making the completion date July 2, 1979.

The delays caused by the severe cold weather this past winter and other related problems have been documented and sustained by the Architect. Considering this documentation and the Contractor's cooperative attitude in completing this contract, the General Services Division recommends that this time extension be granted and the Mayor authorized to sign appropriate documents.

Thank you,  
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Sakaguchi, that this change order on the New Concept Realty Project be approved for the reasons as indicated and the Mayor be authorized to sign the City's approval. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the General Services Director, came this memo:

City of Idaho Falls  
June 20, 1979

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger  
SUBJECT: INTERSEC

Attached is a letter from Intersec requesting consent to sublet approximately 1700 square feet of space to the University of Idaho. The purpose of this sublease is the administration of the INEL Education Program.

It is the recommendation of the General Services Division and the City Attorney that consent for this sublease be approved as per attached letter.

Thank you,  
s/ Chad Stanger

Asked for comment, the City Attorney noted that even though there was earlier confusion as to the City's interest in this civic endeavor, it would be in order to consider requests of this nature. It was moved by Councilman Erickson, seconded by Sakaguchi, that the City go on record as approving this sublease as proposed and the Mayor be authorized to sign the proposal letter accordingly.

This memo from the Personnel Director was presented:

June 21, 1979

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Personnel Division  
SUBJECT: REQUEST FOR LEAVE WITHOUT PAY FOR DIANE CROFT

**JUNE 21, 1979**

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Diane Croft, Clean Community Executive Coordinator, was given leave without pay for maternity reasons by Don Lloyd, Public Works Director, from June 4, 1979 through June 25, 1979.

It is requested that Ms. Croft's leave of absence without pay be extended by the Council from June 25, 1979 to July 28, 1979.

It is further recommended by the Personnel Division that Ms. Croft does not accrue benefits from June 25 through July 28, 1979.

s/ Craig Lords

It was moved by Councilman Hovey, seconded by Erickson, that this extended leave of absence for Diane Croft be approved with the stipulation as recommended. Roll call as follows: Ayes, 6, No, none; carried.

City of Idaho Falls  
June 21, 1979

MEMORANDUM

TO: Mayor and Council  
FROM: Rod Gilchrist  
SUBJECT: FINAL PLAT - RE-PLAT OF A PORTION OF HIGHLAND PARK ADDITION

Attached is a copy of a final plat and development agreement of the amended plat of Lots 5 to 21 and Lots 28, 29 and a portion of 30 in Block 66 of the Highland Park Addition. This property is now within the City and is presently zoned R-1 and RP-A and no rezoning is requested.

The Planning Commission recently considered this matter and at that time recommended approval of the final plat. This department concurs with the recommendation of the Commission.

This matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

Asked for comment, Gilchrist pointed out that this re-plat provided for the vacating of a portion of Fremont Avenue and, also, a portion of an existing alley running parallel to Fremont and, in exchange, the developer has proposed to dedicate a new street to serve the subject property. Single family residences are planned for the area. It was moved by Councilman Freeman, seconded by Clark, that this re-plat be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

From the Public Works Director this memo was forthcoming:

**JUNE 21, 1979**

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City of Idaho Falls  
June 21, 1979

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: AUTHORIZATION TO ADVERTISE

The street paving in the Lynhaven Addition has been delayed, pending a solution to the drainage problem. Necessary drain lines have now been installed under a portion of Bower, Merritt, and 16<sup>th</sup> Street and we are requesting authorization to advertise for bids to complete the paving of these streets.

s/ Don

It was moved by Councilman Sakaguchi, seconded by Hovey, that the City Clerk be authorized to advertise for bids for the project as indicated. Roll call as follows: Ayes, 6; No, none; carried.

Also, from the Public Works Director, came this memo:

City of Idaho Falls  
June 21, 1979

MEMORANDUM

TO: Honorable Mayor  
FROM: Donald F. Lloyd  
SUBJECT: AUTHORIZATION TO ADVERTISE

Although most of the property has been developed along Foote Drive in the Airport Industrial Park, the street itself has remained unimproved. This condition has caused considerable irritation to the lessors and been a problem to the City. This appears to be an opportune time to initiate the first phase of Foote Drive Improvements, that is a 28-foot driving lane of paving through the entire 1400 feet. We are requesting authorization to advertise for competitive bids for this paving.

Respectfully submitted,  
s/ Don

It was moved by Councilman Sakaguchi, seconded by Hovey, that authorization be granted to advertise for bids on this project as indicated. Roll call as follows: Ayes, 6; No, none; carried.

Continuing with memos from the Public Works Director the following was reviewed:

**JUNE 21, 1979**

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City of Idaho Falls  
June 20, 1979

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: CONTRACT AWARD

On June 13, 1979 two bids were received for the replacement of sanitary sewerline in the intersection of Chatham and Fanning, Southeast Bonneville Drive, and the alley between 13<sup>th</sup> and 14<sup>th</sup> Streets, as follows:

O & F Construction	\$33,635
H-K Contractors, Inc.	50,325
Engineer's Estimate	51,190

These bids have been checked and would recommend the City award a contract to low bidder, O & F Construction, in the amount of \$33,635.

s/ Don

It was moved by Councilman Sakaguchi, seconded by Hovey, that O & F Construction be awarded the bid for replacement of the sanitary sewer lines as indicated in the amount of \$33,635. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Public Works Director was then studied:

City of Idaho Falls  
June 20, 1979

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: CONTRACT AWARD

On June 12, 1979 four bids were received for the replacement of a waterline in "J" Street as follows:

Valley Utilities, Inc.	\$50,748.50
H-K Contractors, Inc.	56,603.00
Landon Excavating	58,612.40
O & F Construction	59,815.50
Engineer's Estimate	60,939.00

These bids have been checked and would recommend the City award a contract to low bidder, Valley Utilities, Inc., in the amount of \$50,748.50.

s/ Don

**JUNE 21, 1979**

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It was moved by Councilman Sakaguchi, seconded by Hovey, that the low bid of Valley Utilities in the amount of \$50,748.50 be accepted for replacement of the J Street waterline. Roll call as follows: Ayes, 6; No, none; carried.

Next, from the Public Works Director, this memo was forthcoming:

City of Idaho Falls  
June 20, 1979

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: CONTRACT AWARD

On June 12, 1979 three bids were received for the replacement of waterlines in Placer Avenue and the alley between Ridge and Placer, as follows:

Valley Utilities, Inc.	\$51,393.50
H-K Contractors, Inc.	58,421.00
O & F Construction	61,667.50
Engineer's Estimate	60,191.00

These bids have been checked and would recommend the City award a contract to low bidder, Valley Utilities, Inc. in the amount of \$51,393.50.

s/ Don

It was moved by Councilman Sakaguchi, seconded by Hovey, that the contract in favor of Valley Utilities in the amount of \$51,393.50 be awarded for the project as indicated. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the Public Works Director was submitted, revealing the fact that, on June 20<sup>th</sup>, one bid was received from H-K Contractors for a waterline replacement in the alley between 16<sup>th</sup> and 17<sup>th</sup> Streets, also sewerline replacements in the alleys between 16<sup>th</sup> and 17<sup>th</sup> Streets, 17<sup>th</sup> & 18<sup>th</sup> Streets and 20<sup>th</sup> and 21<sup>st</sup> Streets and that said bid was in the amount of \$52,922, compared to the engineer's estimate of \$53,208. It was moved by Councilman Sakaguchi, seconded by Hovey, that said bid be accepted for the project as described. Roll call as follows: Ayes, 6; No, none; carried.

Also, from Public Works Director Lloyd, this memo was presented:

City of Idaho Falls  
June 21, 1979

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: AMENDMENT TO THE ANNEXATION AGREEMENT

We are attaching hereto, two (2) copies of Amendment No. 1 to the Annexation Agreement for Westfield Plaza. This amendment allows for an alternative

drainage system, which the City would prefer, if the details can be worked out by the developer. This Amendment has been reviewed by the Public Works

**JUNE 21, 1979**

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Committee and the City Attorney and we are recommending that the Mayor be authorized to sign the City's approval.

Respectfully submitted,  
s/ Don

Asked for comment, Lloyd explained that the existing agreement calls for a 36" storm drain line running through a residential area. This amendment would provide the developer with an alternative surface drainage system whereby storm drainage from the Anderson ditch would be diverted into the East Lateral Canal. Lloyd concluded his remarks by saying that this alternative would be preferable to the City but that the 36" line would remain as an open option if this alternative proposal could be negotiated. It was moved by Councilman Sakaguchi, seconded by Hovey, that this amended agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

This memo from Public Works Director Lloyd was then reviewed:

City of Idaho Falls  
June 21, 1979

MEMORANDUM

TO: Honorable Mayor  
FROM: Donald F. Lloyd  
SUBJECT: REMOVAL OF SIDEWALK AND CURB AND GUTTER

For many years, the Street Department has removed broken, spawled, or displaced sidewalks and curb and gutter for property owners at no cost. This policy was originally initiated as an incentive for property owners to replace faulty concrete work by hiring their own contractor to install new sidewalk or curb and gutter after the City had removed the damaged portions. In an effort to bring our expenditure in line with current budget requirements, we are recommending that this program be abandoned effective July 1, 1979.

Respectfully submitted  
s/ Don

Councilman Wood registered objection to abandoning this program on the grounds that this would discourage property owners from replacing or reconstructing sidewalks, curb and gutter abutting their property. In response, Lloyd agreed that this was a possibility but that it was only one of several programs that might be curtailed or eliminated because of the 1% crunch.

Councilman Hovey discounted the importance of this objection on the grounds that, where reconstruction work of the nature became obvious, the cost of removing broken, spawled, or displaced concrete sidewalks, curb or gutter was nominal in relation to the overall cost of such a project. It was moved by Councilman Sakaguchi, seconded by Hovey, that this recommendation be upheld and this program, as described, be abandoned as of July 1<sup>st</sup>, 1979. Roll call as follows: Ayes, 5; No, one; carried. Councilman Wood voting no.

This memo from the Public Works Director was presented:

**JUNE 21, 1979**

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City of Idaho Falls  
June 21, 1979

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: ESTABLISH FEES FOR PLANNING & ENGINEERING

Planning and Engineering in the past have expended certain amounts of effort and general fund monies in the review and development of new additions to the City. With the advent of restricted revenue, it becomes prudent to provide a system of fees to provide directly for services rendered. Accordingly, Planning and Engineering have submitted a list of services generally provided, with a suggested fee schedule. The Council reviewed these suggestions on June 12<sup>th</sup> and instructed some deletions and reductions. We are submitting herewith a revised fee schedule for your consideration.

Respectfully submitted,  
s/ Don

Asked for comment, City Attorney Smith reported that, to his knowledge, such engineering and zoning department fees as provided in the ordinance are new to the City and therefore, the Council might elect to pass said ordinance on only one reading so that public reaction could be assessed. The ordinance in question was then introduced by Smith, as follows:

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE ESTABLISHING FEES TO BE CHANGED FOR CERTAIN SERVICES PERFORMED BY THE ENGINEERING DEPARTMENT AND BY THE ZONING DEPARTMENT OF THE CITY OF IDAHO FALLS, IDAHO; AND PARTICULARLY DEFINING SUCH SERVICES; PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

It was moved by Councilman Sakaguchi, seconded by Hovey, that this ordinance be passed on its first reading. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the Public Works Director, this memo was submitted:

City of Idaho Falls  
June 21, 1979

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: SANITATION RATE ORDINANCE

**JUNE 21, 1979**

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In a recent review of the rate schedule for Sanitation Service, we find that commercial rates do not adequately reflect the cost of providing the service. The existing Ordinance is based upon a cheaper unit rate for larger users, a concept which is no longer acceptable.

We now propose that the rate be such that it reflects a standard unit cost per cubic yard for each type of service, which will, in effect require each customer to pay in accordance with the volume of garbage hauled. The amended Ordinance would in no way effect residential hand load customers. The Public Works Committee would request your consideration of this Ordinance.

Respectfully submitted,  
s/ Don

The foregoing memo served to introduce the following ordinance:

**ORDINANCE NO. 1589**

AN ORDINANCE REPEALING AND RE-ENACTING AS CHANGED SECTIONS 8-5-3 AND 8-5-20, CITY CODE OF IDAHO FALLS, IDAHO; SAID SECTIONS BEING A PART OF THE GARBAGE ORDINANCE OF SAID CITY; PROVIDING DEFINITIONS OF REFUSE, GARBAGE, ASHES AND CLINKERS, TRASH PERSON, OWNER AND OCCUPANT, COLLECTOR, INSPECTOR, APPROVED CONTAINER AND COMMERCIAL CONTAINER; PROVIDING THAT A CHARGE BE ASSESSED FOR REFUSE REMOVAL FOR PREMISES RECEIVING A SUPPLY OF CITY WATER; SETTING FORTH A SCHEDULE OF MONTHLY CHARGES AND HAND LOAD COLLECTION AND SERVICING OF COMMERCIAL CONTAINERS; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing ordinance was presented in title. It was moved by Councilman Sakaguchi, seconded by Hovey, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 6; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 6; No, none; carried.

**ORDINANCE NO. 1590**

AN ORDINANCE REPEALING TITLE IV, CHAPTER 12, CITY CODE OF IDAHO FALLS, IDAHO;

ADOPTING THE UNIFORM PLUMBING CODE, 1979  
EDITION, PREPARED AND PUBLISHED BY THE

**JUNE 21, 1979**

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INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS, AS AN OFFICIAL CODE OF SAID CITY; PROVIDING THAT THREE (3) COPIES OF SAID UNIFORM PLUMBING CODE, 1979 EDITION, BE KEPT ON FILE IN THE OFFICE OF THE CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing ordinance was presented in title. It was moved by Councilman Freeman, seconded by Erickson, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 6; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 6; No, none; carried.

**ORDINANCE NO. 1591**

AN ORDINANCE ESTABLISHING FEES AND CHARGES FOR PLUMBING PERMITS AND PLUMBING INSPECTIONS; SETTING FORTH A SCHEDULE OF FEES AND CHARGES THEREFOR; MAKING IT UNLAWFUL TO INSTALL OR ALTER PLUMBING WITHOUT FIRST OBTAINING A PERMIT THEREFOR; MAKING IT UNLAWFUL TO USE PLUMBING WITHOUT FIRST HAVING SAID PLUMBING INSPECTED BY THE CITY; FIXING PENALTIES AND VIOLATION OF THE ORDINANCE; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing ordinance was presented in title. It was moved by Councilman Freeman, seconded by Clark, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 6; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 6; No, none; carried.

**ORDINANCE NO. 1592**

AN ORDINANCE REPEALING SECTION 2 OF THE  
ORDINANCE NO. 1546, OF CITY OF IDAHO FALLS,  
IDAHO; ESTABLISHING FEES AND CHARGES FOR

**JUNE 21, 1979**

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SANITARY SEWER CONNECTION PERMITS AND FOR THE INSTALLATION OF ALTERATION OF SANITARY SEWERS WITHIN SAID CITY; SETTING FORTH A SCHEDULE OF FEES THEREFOR; MAKING IT UNLAWFUL TO INSTALL OR ALTER ANY SANITARY SEWER WITHIN SAID CITY OR TO TAP ONTO OR CONNECT TO ANY SANITARY SEWER LINE OF SAID CITY WITHOUT FIRST OBTAINING A PERMIT THEREFOR; ESTABLISHING A SEWER MAIN CHARGE AND FIXING THE AMOUNT THEREOF; ESTABLISHING A SANITARY SEWER CAPITAL IMPROVEMENT FUND AND PROVIDING THAT ALL FEES AND CHARGES DERIVED FROM THE ISSUANCE OF PERMITS FOR THE INSTALLATION OR ALTERATION OF SANITARY SEWERS OR FOR CONNECTING TO A SANITARY SEWER, SHALL BE PLACED IN SAID FUND; SETTING FORTH THE PURPOSES FOR WHICH MONEYS IN SAID FUND MAY BE EXPENDED; FIXING PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing ordinance was presented in title. It was moved by Councilman Sakaguchi, seconded by Hovey, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 6; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 6; No, none; carried.

**ORDINANCE NO. 1593**

AN ORDINANCE REPEALING SECTION 2 OF ORDINANCE NO. 1573, BEING SECTION 4-5-35, CITY CODE OF IDAHO FALLS, IDAHO; ESTABLISHING WATER RATES AND SETTING FORTH A SCHEDULE OF WATER RATES ESTABLISHING WATER CONNECTION FEES AND CHARGES FOR WATER CONNECTION PERMIT; SETTING FORTH A SCHEDULE OF FEES THEREFOR; MAKING IT UNLAWFUL TO INSTALL OR ALTER WATER LINES WITHIN SAID CITY OR TO TAP ONTO OR CONNECT TO ANY WATER LINE OR MAIN OF SAID CITY WITHOUT FIRST OBTAINING A PERMIT THEREFOR; ESTABLISHING A WATER LINE

CAPITAL IMPROVEMENT FUND AND PROVIDING  
THAT ALL FEES AND CHARGES DERIVED FROM

**JUNE 21, 1979**

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THE ISSUANCE OF PERMITS FOR INSTALLATION OF WATER LINES AND WATER CONNECTIONS SHALL BE PLACED IN SAID FUND; SETTING FORTH THE PURPOSE FOR WHICH MONIES IN SAID FUND MAY BE EXPENDED; FIXING PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing ordinance was presented in title. It was moved by Councilman Sakaguchi, seconded by Hovey, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 6; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 6; No, none; carried.

**ORDINANCE NO. 1594**

AN ORDINANCE REPEALING TITLE VII, CHAPTER 2, CITY CODE OF IDAHO FALLS, IDAHO; ADOPTING THE UNIFORM FIRE CODE, 1979 EDITION, PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; ESTABLISHING DUTIES OF BUREAU OF FIRE PREVENTION, PROVIDING DEFINITIONS OF JURISDICTION, CORPORATION COUNSEL AND CHIEF OF THE BUREAU OF FIRE PREVENTION; ESTABLISHING LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS TO BE PROHIBITED; ESTABLISHING LIMITS IN WHICH BULK STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED; ESTABLISHING LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED; SETTING FORTH AMENDMENTS IN THE UNIFORM FIRE CODE; PROVIDING A METHOD OF APPEAL; PROVIDING FOR A COMMITTEE ALLOWING PERSONS AN OPPORTUNITY TO BE HEARD RELATIVE TO NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; DECLARING THE INTENTION OF THE CITY COUNCIL RELATIVE TO

THE VALIDITY OF THIS ORDINANCE OR THE  
UNIFORM FIRE CODE ADOPTED HEREBY; FIXING

**JUNE 21, 1979**

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PENALTIES FOR VIOLATION OF THE ORDINANCE;  
PROVIDING WHEN THE ORDINANCE SHALL  
BECOME EFFECTIVE.

The foregoing ordinance was presented in title. It was moved by Councilman Sakaguchi, seconded by Hovey, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 6; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 6; No, none; carried.

The Mayor re-appointed Catheryn Nelson to a five year term on the Library Board. It was moved by Councilman Erickson, seconded by Freeman, that this reappointment be confirmed. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Wood drew attention to the need for providing the City Attorney with instructions and guidance, now that a court decision has been made pertaining to the 161 kV line. Therefore, it was moved by Councilman Wood, seconded by Hovey, that the Electrical Council Committee meet with the City Attorney to discuss the direction the City should pursue, now that a court decision has been rendered pertaining to the 161 kV line; also, that a Special Council meeting be scheduled as soon as possible to consider the recommendation from the Electrical Committee. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Wood introduced the subject of island acquisition at the upper dam site and more specifically, a written conditional offer from Messrs., Dick Clayton, Ted Wood, and M.B. (Buck) Hiller as more fully outlined and described by the following two letters:

St. Clair, Hiller, Wood & McGrath  
June 18, 1979

Mayor Thomas Campbell and Idaho Falls City Council  
City Building  
Idaho Falls, Idaho

Re: Upper Bay Estates and Eagle Rock Island

Gentlemen:

At the request of the City Attorney, Mr. Art Smith, I am directing this letter to you. Some months ago discussions commenced as and between the City and the land owners owning the Pieper property and Eagle Rock Island. The full context of such discussions have, I believe, been reviewed with you and Mr. Smith.

In talking with Mr. Smith, Mr. Clayton, Mr. Wood and I are agreeable to resolving the Island property and constructive condemnation questions as follows:

**JUNE 21, 1979**

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- (a) We, as land owners, will convey to the City our ownership of the Island property.
- (b) The City will coordinate with our engineer in the utilization of our land abutting the Snake River West Channel. It will be necessary to meet with Mr. Smith and the respective engineers to clarify the period of time required by the City for utilization of the property shown on the attached drawing. Further, a memorandum will be developed between the City and the landowners which would provide indemnification by the City in the event of and personal and/or property damage during the time the City occupies or utilizes the area in question. It is my understanding in talking with Mr. Smith that the time frame is approximately 20 to 24 months.
- (c) The memorandum should further clarify the fact that the dike level will be constructed at the lowest elevation possible to allow the compatible use of our property. Additionally, fill material taken from the West Channel will be deposited and leveled on our property in a manner and method acceptable to both parties. Clarification as to contractor utilization of fill material now on our property will be required; however, it is my understanding that once the fill material has been used to block the West channel it will subsequently be replaced and leveled. Again, this can be reviewed to avoid any misunderstanding.
- (d) The City would pay to Mr. Clayton, Mr. Wood and myself the sum of \$140,000.00 which would compensate for our loss pertaining to the Island property as well as damages for inverse or constructive condemnation as identified in earlier correspondence to Mr. Smith.

If you require something further, please feel free to advise.

Very truly yours,  
s/ Buck Hiller

St. Clair, Hiller Wood &  
McGrath  
June 21, 1979

A. L. Smith, Esq.  
P.O. Box 428  
Idaho Falls, Idaho

Re: Upper Estates and Eagle Rock Island

Dear Art:

**JUNE 21, 1979**

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As a supplement to my June 18<sup>th</sup> letter directed to the Mayor and City Council, I wanted to submit the following which would be an outgrowth of our physical inspection of the land owned by Dick Clayton and me which abuts the Snake River West Channel.

You and the City Engineers, our Engineer from Ellsworth, and I reviewed the old dike area and generally discussed the City's wishes respecting construction of the bulb turbine project. It is apparent from the discussions that engineering information will have to be obtained to finalize a memorandum. It would, however, appear that we are basically in agreement on all points and only require engineering data to permit the two of us to finalize a document. If agreeable, this letter could be construed as a preliminary memorandum for the purposed of allowing the City to act upon our June 18<sup>th</sup> offer letter.

As you are aware, our concern is one of having the most advantageous use of our property, taking into consideration reasonable protection from the West Channel as it is modified for the bulb turbine project. Our general discussions at the property site yesterday would indicate that areas requiring understanding and agreement basically involve construction and maintenance of the dike and placement of excess material. It would appear to me that upon receiving final informational data from the engineers we could formalize an agreement based upon the following:

1. The City shall build and maintain at its expense a dike (100 year flood occurrence) near or where engineeringly feasible on the west side water edge of the West Channel of the Snake River. The dike shall extend to the mouth of the West Channel following the water edge or as close thereto as permitted by cognizant agencies involved in the bulb turbine project.
2. All excess soil and fill material coming from the channel and the area east of the dike shall at no expense to us be deposited and leveled in a reasonable manner by the City on our property lying west of the dike. If certain of the material was not acceptable, as fill material, that material would then be deposited elsewhere by the City and at its expense. If the City had fill material either in the channel or on the east side of the dike that it elected not to remove, we would be allowed to remove this at our expense, provided of course, the City agreed that removal of the material would not adversely affect its project.
3. The City would be granted a perpetual 40 foot easement over the dike area for inspection and maintenance needs. It is our understanding that the City would have little involvement over the easement area and traffic by city vehicles and equipment would be extremely limited. We would further expect the easement to extend from the existing dike location east towards the river channel.
4. We would reserve full and complete access over and upon the dike and easement area as property development contemplated by us will abut the dike and we would want it clearly understood that no fencing or other

obstructions on the dike would be made by the City without our express written permission, as most of our landowners will expect to have access

**JUNE 21, 1979**

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to the waters edge. We do agree that there will be no motor vehicular travel upon the dike itself other than as required by the City for inspection and maintenance.

4. We will be granted by the City a perpetual easement over and on the existing roadway leading from the Lindsay Highway extension to the power plant site. We would not expect to have access to the power plant site but merely ingress and egress over the roadway up to and ending at the entrance to the power plant site.
5. We would expect full and complete indemnification by the City in the event of property and personal injuries occasioned by any act or acts of the City.
6. It is my understanding that the City would require reasonable access to the area in close proximity to the west bank of the channel until June of 1982. As I understand, the need for this access is in conjunction with construction of the dike area and channel modification respecting the bulb turbine facility. If additional time was required (because of strike, construction delay, etc.) we would expect to negotiate with the City as to fair compensation for any required reasonable extension.
7. The drawings reviewed reflected two coffer dams, one on the west side of the channel, and one in the channel itself. We would want to have the right to either retain the coffer dam on the west side of the channel or have the City level or otherwise remove same following construction.
8. Should material be required during construction we would want to have an opportunity to provide such material at competitive prices to your contractor.

Yours truly,  
s/ Buck Hiller

Under condition No. 3 of the foregoing letter dated June 21<sup>st</sup>, Wood noted that the easement for a dike or levee should read 50' instead of 40' and this change would be reflected in the sales agreement, yet to be drafted. Also, continued Wood, certain other terms should be couched in clearer language with clarification. As a means of placing this offer before the full Council of consideration, it was moved by Councilman Wood, that the City accept, generally, the offer of Richard I. Clayton, Ted Wood, and M.B. Hiller for the purchase of the island property as described in the foregoing letters and the use of certain lands on the west side of the Snake River for the use and benefit on the bulb turbine project; also that the City Attorney be authorized to prepare the necessary sales contract and other documents of conveyance, pursuant to this motion and that, when prepared to the satisfaction of the Mayor and Council, the Mayor and City Clerk be authorized to sign; also, when the appropriate and satisfactory documents are prepared, executed, and delivered, the Mayor be authorized to cause the sum of \$140,000 to be paid to the aforementioned Richard I. Clayton, Ted Wood, and M.B. Hiller from funds available for the bulb turbine project; all of this with the understanding that the sales agreement, when prepared and ready for

execution and delivery, contain language and provisions satisfactory to the Mayor and the majority of all Councilmen. This motion was seconded by Councilman Erickson. Asked for

**JUNE 21, 1979**

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comment, City Attorney Smith pointed out that he was instructed to negotiate with these landowners for \$125,000 after having earlier received a substantially higher offer. Continuing, Smith said he had been in informal discussion with these men and, by now, was convinced that \$140,000 was their lowest and last offer. Smith reminded the Council that the City is in somewhat of a tight posture, taking into consideration all facets where negotiations are necessary such as dikes, coffer dams and other conditions as related in the foregoing letters. With reference to Condition No. 7 in the foregoing letter dated June 21<sup>st</sup>, Smith stated that the City would have the right to re-negotiate beyond June of 1982, in the event that phase of the project was not completed by that date. He said there were many relatively minor provisions that must be included in the sales contract such as maintenance of a City owned road, fencing right of trespass, height of dam, use of west bank, etc. Councilman Hovey took exception to this offer as related in the foregoing motion. Particularly Hovey questioned acceptance of the \$140,000 offer when the lands have not been appraised on the grounds that, without an appraisal, the City can have no real evidence of its true value. Continuing, Hovey said that, if this offer is accepted, the City could be accused of surrendering to expediency and he, as a Councilman, would not care to be a party to such an accusation. Also, Hovey said this proposal was not acceptable to him, knowing that the last selling price was \$47,000 which may be closer to a professional appraisal than this offering price to the City. Moreover, Hovey warned that the offering price could increase when all demands are met at which time it may not appear to be such a bargain. Hovey concluded his remarks by recommending that, before this offer is accepted, the Council should look at other alternatives including condemnation if necessary.

In response, Councilman Erickson commented to the effect that, even though he appreciated Councilman Hovey's position, he took exception to same on the grounds that the island, or at least a portion of the island, is badly needed by the City and that, in the final analysis, it is the need that creates and determines value and therefore, the City should take the position that, within reason, the island or a portion of the island is worth that which the City must pay for possession and/or ownership. Erickson said that, in his opinion, the City is very fortunate that this property is available at this time for the bulb turbine construction. In answer to a question by Erickson, Smith advised that the City, as the purchaser, need not seek an appraisal and that, if an appraisal is obtained, this would normally be done by the seller. Continuing and referring again to need, Erickson pointed out that this need is prompted because of the bulb turbine construction and that the Mayor and all Councilmen were aware of this because of a strong recommendation from IECCO. Erickson drew attention to a recent open meeting when this issue was aired and the need for an early decision was revealed. In answer to a question by Freeman, Smith advised that condemnation would create at least a two to three month delay. In answer to another question by Freeman, Electrical Engineer Harrison pointed out that an extended delay, just for upper plant construction, might run as high as a million dollars a year or any fraction thereof. Erickson said that, in his opinion, the alternatives, other than outright purchase, would be limited, generally, to condemnation or utilizing the existing right of way and either course of action would be costly to the City. Erickson concluded his remarks by reminding the Council that bids were now being advertised for demolition and reconstruction of Dam No. 1 at the upper plant site and are scheduled to be opened July 31<sup>st</sup> and, if this issue is not resolved by then, bidders would have no alternative but to reflect this unresolved problem in said bids for their own protection, resulting, no doubt, in higher prices than would otherwise be received if the problem were resolved. In the absence of further comment, the Mayor called for a vote on the foregoing motion, as follows: Ayes, 5; No, one; carried. Councilman Hovey voting no.

**JUNE 21, 1979**

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There being no further business, it was moved by Councilman Freeman, seconded by Erickson, that the meeting adjourn at 10:15 P.M., carried.

ATTEST: s/ Roy C. Barnes, by V.C.  
CITY CLERK

s/ Thomas Campbell  
MAYOR

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